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**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

<p>GPI, LLC,</p> <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">v.</p> <p>DOGGONE GEESE, INC. AND CATHY P. BENEDICT</p> <p style="text-align: center;">Defendants.</p>	<p>Civil Action No. 3:18-cv-5122 (FLW) (TJB)</p> <p style="text-align: center;"><i>Document electronically filed</i></p> <p style="text-align: center;"><u>DECLARATION OF DOUGLAS MARCKS IN SUPPORT OF APPLICATION OT SHOW CAUSE PURSUANT TO FED. R. CIV. PRO. 65</u></p>
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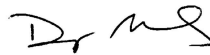
Douglas Marcks, of full age declares:

1. I am an individual residing in Annandale, Virginia.
2. I have been affiliated with Geese Police, LLC (“GPI”) since I was a teenager as it is a family business, and I am the nephew of the owners of GPI.
3. I have been a Geese Police franchisee since 2007, and am currently the owner of the Geese Police Franchised Business in the D.C. Precinct. I currently service Washington, D.C. and all of Fairfax, Arlington, and Prince William Counties of Virginia. After the termination of Benedict as a Geese Police franchisee, I began to service all of Loudon and Clarke Counties, Virginia.

4. In 2007, I purchased customer accounts in Fairfax County, Virginia (excluding Reston and Herndon) from Cathy Benedict ("Benedict") and Geese Police of Virginia.
5. I simultaneously purchased a franchise from GPI in the District of Columbia.
6. After I began my franchise, I purchased from Benedict the customer accounts and territory of Prince William County, Virginia for \$5,000.00 cash.
7. I currently service approximately 30 clients depending upon the season of the year.
8. In all, I paid Benedict approximately \$143,000 to purchase portions of her territory and specific contracts.
9. My franchise territory abuts the territory Benedict serviced before her termination as a franchisee in February 2018.
10. Benedict is competing with me and other GPI franchisees by selling goose dogs and by operating a goose control business in her former territory.
11. On April 30, 2018, my brother, who is my employee, witnessed Benedict's new business, Goose Rangers, servicing the same customers she previously served as a Geese Police franchisee in her former territory. A true and correct copy of the photographs that were taken of her truck that day is attached as Declaration Exhibit 1.
12. Benedict has created public social media accounts on Facebook, Twitter and Instagram called Goosedogs For Sale. On each account she states "methods are endorsed by the Humane Society of the US," these methods are the methods developed and used by GPI since 1996. The same methods which GPI trains each of its franchisees to use. True and correct copies of Benedict's Goosedogs For Sale social media pages are attached as Declaration Exhibit 2.
13. Benedict has posted photographs of dogs for sale and listed as "#sold" as late as April 25, 2018. *See* Decl. Ex. 2 Twitter account.
14. Benedict's personal Facebook page states that she started a new job at Goose Rangers, LLC on April 1, 2018 as the "owner," and has been self-employed at Goosedogs For Sale since February 5, 2015. She continues to identify www.geesepoliceloudoun.com as her website. A true and correct copy of the public facing pages of Benedict's personal Facebook page are attached as Declaration Exhibit 3.

15. Benedict has advertised the sale of dogs (as Geese Police) to a park in Alabama as late as February 2018. A true and correct copy of an advertisement left by Benedict on the Joe Tucker Park public Facebook page is attached hereto as Exhibit 4.
16. As I am now servicing the franchised territory formerly held by Benedict, I have made contact with the Geese Police customers located in that territory. I have only been able to service one of the accounts because Benedict is continuing to servicing these accounts.
17. If Benedict is permitted to continue operating a competing goose control business in my territory, there is nothing to stop her from going back to the accounts that I purchased from her, and underbidding me. Benedict knows the clients, the contracts, how we price our services and specifically how we manage geese on properties.
18. As a franchisee, Benedict traveled outside of her territory on more than one occasion to service contracts. Benedict will not stay in a restricted territory as Goose Rangers when she did not do so when she was a Geese Police franchisee.
19. I am left wondering why I purchased a territory from her if she can just come back and take back what I purchased from her.
20. If Benedict is permitted to continue to sell goose control dogs, there is nothing to keep her from selling goose control dogs to one or more of my clients so that they can avoid paying for my services.
21. Benedict did not respect the boundaries of franchised territories when she was a Geese Police franchisee, and I am concerned about my business if Benedict can go into my territory and compete with me.

Dated: May 7, 2018



Douglas Marcks